

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

20 CRIMINAL APPLICATION NO.2359 OF 2022
IN APEAL/534/2022

MANIK SHAMRAO SABLE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Pratik A. Bhosle.
APP for Respondent/State: Mr. R. D. Sanap.

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CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 10th August, 2022.

P.C.:

. It is an application for suspension of sentence and bail.

2 Heard Mr. Bhosle, learned counsel for applicant. Perused the impugned judgment and order of conviction passed in Sessions Case No.33 of 2019 by the learned Sessions Judge, Jalna whereby the appellant/applicant came to be convicted for the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and pay fine of Rs.10,000/- with default stipulation. The fine amount was directed to be paid to the victim as compensation as provided under Section 357 of the Code of Criminal Procedure, after the appeal period is over. That impugned judgment and order of conviction passed by the Sessions Judge, Jalna is challenged before this Court on various grounds. The learned

counsel for applicant submitted that the appellant/applicant has deposited the fine amount with the Sessions Court. He further submitted that the appellant has been released on bail after conviction.

3 Heard Mr. Sanap, learned APP for the State, who opposed to suspend the sentence and release the appellant/applicant on bail.

4 It is revealed during the course of argument that the appellant has been convicted alone under Section 324 of the Indian Penal Code. Having regard to the small volume of sentence and looking to the fact that the appellant was released on bail after his conviction, he needs to be enlarged on bail by suspending the sentence. The appellant has deposited the fine amount with the Sessions Court. There are no extraordinary circumstances to keep the appellant/applicant behind bars during the appeal period. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed.
- II. The execution of substantive sentence passed against the appellant/applicant in Sessions Case No.33 of 2019 by the learned Sessions Judge, Jalna dated 30th June, 2022, is hereby suspended till final decision of the appeal.

- III. The appellant/applicant shall be released on bail on his furnishing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one or two solvent sureties of the like amount on the following condition.

“The appellant/applicant shall furnish his in detail address and cell number with the Sessions Court at Jalna.”

- IV. Bail before the Trial Court.
- V. The criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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